

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

BRICE BRAXTON,

Plaintiff,

v.

CIVIL ACTION NO. 3:21-00049

CABELL HUNTINGTON HOSPITAL;
DR. SHIMA GAVIMI; and
MEDICAL STAFF OF CABELL
HUNTINGTON HOSPITAL,
Unknown currently,

Defendants.

MEMORANDUM OPINION AND ORDER


This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that Plaintiff's Complaint (ECF No. 2) be dismissed for lack of subject matter jurisdiction, and this action be removed from the docket of the Court. Neither party has filed objections to the Magistrate Judge's findings and recommendations. Plaintiff filed a Motion for Voluntary Dismissal.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **ORDERS** that Plaintiff's Complaint (ECF No. 2) be **DISMISSED** for lack of subject matter jurisdiction, and this action be **REMOVED** from the docket of the Court,

consistent with the findings and recommendations. The Court further **GRANTS** Plaintiff's Motion for Voluntary Dismissal. ECF No. 5.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: February 5, 2021



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE